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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION

[G. S. Q. R., Series 7, No. 1, Rev. 1]

PART 821—SUGAR QUOTAS

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1940

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations (constituting a revision of and superseding General Sugar Quota Regulations, Series 7, No. 1), which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

§ 821.21 *Consumption requirements for 1940.* It is hereby determined, pursuant to section 201 of the Sugar Act of 1937 (hereinafter referred to as the "act"), that the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1940 is 6,607,745 short tons of sugar, raw value. (Sec. 201, 50 Stat. 904; 7 U.S.C., Sup. IV, 1111)

§ 821.22 *Quotas for domestic areas*—(a) *Revised quotas.* There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas, for the calendar year 1940, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Domestic beet sugar	1, 549, 898
Mainland cane sugar	420, 167
Hawaii	938, 037
Puerto Rico	797, 982
Virgin Islands	8, 916

(Sec. 202, 50 Stat. 905; 7 U.S.C., Sup. IV, 1112)

§ 821.23 *Other quotas*—(a) *Revised quotas.* There are hereby established, pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1940, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Commonwealth of the Philippine Islands	1, 003, 783
Cuba	1, 863, 217
Foreign countries other than Cuba	25, 745

(Sec. 202, 50 Stat. 905; 7 U.S.C., Sup. IV, 1112)

§ 821.24 *Proration of quota for foreign countries other than Cuba*—(a) *Revised prorations.* The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries, as follows:

Country:	*Prorations in pounds*
Argentina	15, 029
Australia	210
Belgium	303, 438
Brazil	1, 234
British Malaya	27
Canada	581, 707
China & Hongkong	297, 051
Colombia	275
Costa Rica	21, 236
Czechoslovakia	271, 470
Dominican Republic	6, 875, 339
Dutch East Indies	217, 941
Dutch West Indies	6
France	180
Germany	121
Guatemala	345, 291
Haiti	950, 203
Honduras	3, 539, 048
Italy	1, 805
Japan	4, 133
Mexico	6, 218, 988
Netherlands	224, 623
Nicaragua	10, 538, 064
Peru	11, 458, 864
Salvador	8, 463, 174
United Kingdom	361, 545
Venezuela	298, 998
Sub-total	50, 990, 000
Unallotted reserve	500, 000
Total	51, 490, 000

(Sec. 202, 50 Stat. 905; 7 U.S.C., Sup. IV, 1112)

§ 821.25 *Direct-consumption portion of quotas*—(a) *Virgin Islands.* None of the quota established in § 821.22 hereof for the Virgin Islands may be filled by direct consumption sugar.

(b) *Other areas.* The quotas established in Sec. 821.23 hereof for the following listed areas may be filled by di-

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rect-consumption sugar not in excess of the following amount for each such area:

Area:	*Amount of direct consumption sugar in terms of short tons, raw value*
Commonwealth of the Philippine Islands	80, 214
Cuba	375, 000

(Sec. 207, 50 Stat. 907; 7 U.S.C., Sup. IV, 1117)

§ 821.26 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of said act, for foreign countries, for the calendar year 1940, quotas for liquid sugar as follows:

Country:	*In terms of wine gallons of 72% total sugar content*
Cuba	7, 970, 558
Dominican Republic	830, 894
Other foreign countries	0

(Sec. 208, 50 Stat. 908; 7 U.S.C., Sup. IV, 1118)

§ 821.27 *Restrictions on marketing and shipment.* (a) For the calendar year 1940, all persons are hereby forbidden, pursuant to section 209 of the said act, from bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, the Commonwealth of the Philippine Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

(b) For the calendar year 1940, all persons are hereby forbidden, pursuant to section 209 of the said act, from shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane-sugar area after the quota for such area has been filled. (Sec. 209, 50 Stat. 908; 7 U.S.C., Sup. IV, 1119; sec. 504, 50 Stat. 915; 7 U.S.C., Sup. IV, 1174)

§ 821.28 *Inapplicability of quota regulations.* These regulations shall not apply to (1) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (2) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, for religious, sacramental, educational, or experimental purposes; (3) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of 1$\frac{1}{10}$ gallons each; or (4) any sugar or liquid sugar imported, brought into, or produced or manufactured in, the United States for the distillation of alcohol, or for livestock feed, or for the production of livestock feed. (Sec. 212, 50 Stat. 909; 7 U.S.C., Sup. IV, 1122)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 20th day of March 1940.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1168; Filed, March 21, 1940; 9:14 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 18th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[File No. 21-341]

PART 146—TRADE PRACTICE RULES FOR THE TUNA INDUSTRY

Promulgation

Due proceedings having been held[1] under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of March 22, 1940.

Statement by the Commission

Trade practice rules for the Tuna Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules relate to the sale and distribution of tuna and tuna products by the processors or canners thereof, and by jobbers, distributors, dealers, importers, or other marketers. As promulgated, the rules are directed to the elimination and prevention of misrepresentation, deceptive concealment, and various other unfair trade practices, and are issued in the interest of protecting industry, trade, and the public from the harmful effects of such unfair methods or practices.

According to information furnished the Commission, the yearly pack of tuna products in the United States is about 5,000,000 cases, estimated to have a total sales value of approximately $20,000,000.

The proceeding for the establishment of trade practice rules was instituted upon application of members of the industry and an industry trade practice conference was held in Long Beach, California, under the auspices of the Commission. In due course, and pursuant to public notice issued by the Commission, proposed rules for the industry were made available and all interested or affected parties were afforded opportunity to present their views to the Commission, including such pertinent information, suggestions, or objections as they desired to submit in respect to the rules, and to be heard in the premises. In accordance with such notice, hearing was held in Washington, D. C., and all matters there presented, or otherwise submitted, were duly received and considered. Thereafter, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the rules appearing herein under Group I and Group II.

THE RULES

These rules do not in any respect supplant, or relieve anyone of the necessity of complying with, the requirements of the pure food laws or other provision of law. They are established under statutes administered by the Federal Trade Commission for the purpose of more effectively stamping out unfair practices in the interest of the public, and to assist in general law enforcement to this end. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

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[1] 5 F.R. 202.

Group I

Unfair trade practices which are embraced in these Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, as construed in the decisions of the Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in or directly affecting interstate commerce.

§ 146.1 *Definitions.* For the purpose of these rules and in their application the following definitions respecting canned tuna and canned tuna products shall apply.

(a) *Fancy tuna.* (1) The term "Fancy Tuna" as herein used shall be deemed to be the descriptive term for choice cuts of cooked tuna weighing not more than fifty (50) pounds round weight, packed in cans with large pieces of solid meat and with one or two small pieces of solid meat added, if necessary, to bring the contents up to required net weight, and not including any flakes added at the time of packing; nor any skipjack; nor any bluefin tuna which is not of selected choice light color and fine texture.

(2) The term "Fancy White Meat Tuna" as herein used shall be deemed to be the descriptive term for like choice cuts of albacore packed in the same manner.

(3) The expression "choice cuts" refers to large pieces of cooked tuna selected for lightness of color, texture, and freedom from dark meat, bones, skin, and extraneous tissue.

(b) *Standard tuna.* (1) The term "Standard Tuna" as herein used shall be deemed to be the descriptive term for cooked tuna which, although not restricted as to size of fish, does contain when packed (after removal of the dark meat, bones, skin, and extraneous tissue) at least 75% large pieces of solid meat.

(2) The term "Standard White Meat Tuna" as herein used shall be deemed to be the descriptive term for like large pieces of solid albacore meat packed in the same manner.

(c) *Tuna flakes.* (1) The term "Tuna Flakes" or "Flakes" as herein used shall be deemed to be the descriptive term for small pieces of cooked tuna meat not utilized in the packing of the fancy or standard grades of tuna, or from tuna not utilizable in fancy or standard grades.

(2) The term "White Meat Flakes" as herein used shall be deemed to be the descriptive term for small pieces of cooked albacore meat not utilized in the packing of fancy or standard grades of albacore, or from albacore not utilizable in fancy or standard grades. [Rule 1]

§ 146.2 *Deceptive designations* It is an unfair trade practice to sell, offer for sale, advertise, describe or otherwise represent, directly or indirectly, any industry product as "Fancy Tuna", "Fancy White Meat Tuna", "Standard Tuna", "Standard White Meat Tuna", "Tuna Flakes", "Flakes", "White Meat Flakes", or by similar designation, when such product does not conform to the definitions set out in Rule 1 above. [Rule 2]

§ 146.3 *Deceptive concealment of species and quality.* In advertising, describing, representing, offering for sale or selling canned tuna or canned tuna products, it is an unfair trade practice to deceptively conceal or fail or refuse to disclose the species of tuna used in the product and the grade or quality thereof, or to conceal or fail or refuse to disclose any other material fact respecting the product, where such concealment or nondisclosure is practiced with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public. [Rule 3]

§ 146.4 *Misuse of terms "extra fancy", "extra select", etc.* It is an unfair trade practice to sell, offer for sale, advertise, describe, or otherwise represent any canned tuna or canned tuna product as "Extra Fancy", "Extra Select", "Extra Select Fancy", "Extra Fancy Fillet", "Extra Quality", "De Luxe Fancy", "De Luxe", "Select", "Choice", or by similar designation or other representation, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public into the belief that such canned tuna or canned tuna product is of a quality superior to either the fancy grade or the standard grade of tuna, or to some other grade, kind, or character of tuna, when such is not true in fact; or into any other erroneous belief. [Rule 4]

§ 146.5 *Misrepresentation of industry products in general.* The practice of selling, advertising, describing, or otherwise representing canned tuna or canned tuna products in a manner which is calculated to mislead or deceive or has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public with respect to the character, nature, content, brand, grade, quality, quantity, origin, substance, material, size, preparation, packing, distribution, or manufacture of such products, or ingredients thereof, or in any other material respect, is an unfair trade practice. [Rule 5]

§ 146.6 *Deceptive depictions in general.* It is an unfair trade practice to use in relation to industry products any photograph, cut, engraving, insignia, design, illustration, or pictorial or other depiction or device (in catalogs, sales literature, advertisements, or other representations) which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public respecting the character, nature, content, brand, grade, quality, quantity, origin, substance, material, size, preparation, packing, distribution, or manufacture of any products of the industry, or ingredients thereof; or which is false, misleading, or deceptive in any other respect. [Rule 6]

§ 146.7 *Misrepresentation of term "tonno", foreign insignia, etc.* It is an unfair trade practice to use the term "Tonno", or designation of similar import, as descriptive of canned tuna or canned tuna products when such products are not packed from solid tuna meat in olive oil and salt. It is also an unfair trade practice to use such term, or designation of similar import, or any pictorial or other representations, foreign insignia or insignia indicating foreign origin, foreign words, phrases, or other devices, in such manner as to have the capacity and tendency or effect of confusing, misleading, or deceiving the purchasing or consuming public into the erroneous belief that such products are from waters off the coast of Italy or other foreign country, or are packed in or imported from Italy or other foreign country, or that the tuna composing such products has been obtained from foreign waters and packed in the United States, or into any other erroneous belief. [Rule 7]

§ 146.8 *Imitation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 8]

§ 146.9 *Use of slack-filled or short-weight containers.* It is an unfair trade practice to sell, advertise, describe, or otherwise represent, canned tuna or canned tuna products packed in slack-filled or short-weight containers, or packed in odd-sized containers simulating in size or shape standard sized or shaped containers which are known to the public as standard containers of definite capacity, with the tendency or effect of misleading or deceiving the purchasing or consuming public as to the contents of such containers or the amount of tuna or tuna products contained therein; or which are packed in containers so made, formed, or filled as to be otherwise misleading. [Rule 9]

§ 146.10 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 10]

§ 146.11 *Substituting inferior products for those ordered.* The practice of using or substituting any product of the industry inferior in grade or quality to that specified by the purchaser, without the consent of said purchaser to such use or substitution, or with the capacity and tendency or effect of otherwise misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 11]

§ 146.12 *Misuse of word "free".* The use of the word "Free", or the equivalent thereof, where not properly or fairly qualified when the article is in fact not free, with the capacity or tendency to mislead or deceive the purchasing or consuming public, is an unfair trade practice. [Rule 12]

§ 146.13 *Fictitious prices.* Offering canned tuna or canned tuna products for sale at prices purported to be reduced from what are in fact fictitious prices, or offering such products for sale at a purported reduction in price when such purported reduction is in fact fictitious, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 13]

§ 146.14 *False invoicing.* Withholding from or inserting in an invoice, billing, or statement any material information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction which such invoice or billing or statement purports to represent, with the effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 14]

§ 146.15 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice. [Rule 15]

§ 146.16 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 16]

§ 146.17 *Enticing away employees of competitors.* Wilfully enticing away the employees of competitors with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses is an unfair trade practice. [Rule 17]

§ 146.18 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trademarks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice. [Rule 18]

§ 146.19 *Consignment distribution.* It is an unfair trade practice for any member of the industry to use the practice of shipping goods on consignment or pretended consignment for the purpose and with the effect of artificially clogging trade outlets and unduly restricting competitors' use of said trade outlets in getting their goods to consumers through regular channels of distribution, or with such purpose to entirely close said trade outlets to such competitors so as substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade; *provided, however,* That nothing herein shall be construed or used as restricting or preventing consignment shipping or marketing of commodities in good faith and without artificial interference with competitors' use of the usual channels of distribution in such manner as thereby to suppress competition or restrain trade. [Rule 19]

§ 146.20 *Selling below cost.* The practice of selling industry products below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This rule is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition. Sales below cost by a competitor not in a sufficiently strong competitive position to produce, and not actually producing, the monopolistic or restraining effect mentioned, do not fall within the inhibitions of this rule.

The costs referred to in the rule are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 20]

§ 146.21 (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce[2], in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, or credit, or the granting of free goods, or other form of price differential, where such rebate, refund, discount, or credit, or the granting of free goods, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[2] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[2] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[2] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

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[2] As here used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided,* That this shall not apply to the Philippine Islands.

(b) *Prohibited Brokerage and Commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[2] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in Commerce[2] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 21.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this Rule 21 relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which Act and the application thereunder of this Rule 21 are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

(52 Stat. 446; Supp. 4 U.S.C. Title 15, Sec. 13c) [Rule 21]

§ 146.22 *Unlawful interference with raw material purchases.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his raw materials and supplies from whomsoever he chooses, or to sell his product to whomsoever he chooses. [Rule 22]

§ 146.23 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules. [Rule 23]

Group II

Compliance with the trade practice provisions embraced in the Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se,* constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of a violation of Group I rules.

Cost records. It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs. [Rule A]

Repudiation or cancellation of contracts. Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation or cancellation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry. [Rule B]

A Committee on trade practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

Promulgated and issued by the Federal Trade Commission as of March 22, 1940.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1182; Filed, March 21, 1940; 11:37 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

RATING OF CHANGE IN DIAGNOSIS OF DIAGNOSTIC CENTER

ADDITION TO REGULATIONS

§ 2.1189 *Rating of change in diagnosis of diagnostic center.* (a) Where the findings of a field station of the Veterans' Administration differ from the findings of a diagnostic center as to degree in severity of condition within one year from the date of the diagnostic center findings, the rating agency of original or appellate jurisdiction will reconcile such difference with the diagnostic center in accordance with the procedure outlined in currently approved medical procedure. However, upon physical reexamination after lapse of the one year period indicated, the rating agency is authorized to rate a case, without such reconciliation, on the degree of severity shown under the applicable rating schedule and regulations.

(b) The rating agency of original or appellate jurisdiction is not authorized to accept at any time for rating purposes the findings of a field office differing with the prior findings of a diagnostic center with respect to the etiology or differential diagnosis of a disability without reconciliation of such difference with the diagnostic center under currently approved medical procedure. (March 20, 1940.) [48 Stat. 9; 38 U.S.C. 704, 706]

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 40-1166; Filed, March 20, 1940; 3:12 p. m.]

DEATH OCCURRING WHILE TRAVELING UNDER PRIOR AUTHORIZATION OR IN A VETERANS' ADMINISTRATION FACILITY

Cancelation of paragraph (C) of § 5.2696.

Paragraphs (D), (E) and (F) relettered to be (C), (D) and (E).

ALLOWABLE EXPENSES OF BURIAL, FUNERAL AND TRANSPORTATION

§ 5.2702 (A) (1) For the purpose of regulations governing the payment of burial, funeral and transportation expenses, the following items and articles will be considered as allowable:

Blanket.
Box, not to exceed $25.
Candelabra.
Candles.
Casket or coffin, or in lieu thereof materials and labor used in the construction of casket or coffin.
Chairs.
Chapel.
Clothing, not to exceed $50.
Cremation.
Crepe.
Crucifix.

Door badge.

Embalming (Taharah in Jewish burials).

Firing squads, fees for.

Grave, digging of, including materials used in walling or lining grave.

Grave equipment.

Grave, perpetual care if compulsory under deed to lot or site.

Grave space (single).

Hearse.

Limousines or other conveyances.

Lowering device.

Marker or monument for grave.

Pallbearers, necessary fees not to exceed $2 each or a total of $12.

Pallbearers' gloves not to exceed 25¢ per pair.

Permits.

Personal or professional services of undertakers.

Religious service, including music, not to exceed $15.

Removal of box to cemetery.

Shaving.

Slumber robe.

Tahlith.

Telephone or telegraph charges incurred in connection with securing instructions for disposition of remains.

Tent.

Vault, steel or concrete (if vault is used as a shipping case and also for burial, an allowance not exceeding $25 may be applied thereon as a part of transportation expenses in those cases where transportation charges are payable, exclusive of the $100 burial allowance as provided in § 5.2696, and any balance on such vault may be included in the burial allowance of $75 or $100, whichever applies).

Vault, rental of.

Veil.

Washing and dressing.

Watchers, necessary fee for watchers not to exceed $10 for each or a total of $20, and such other necessary burial and funeral expenses as are reasonable, not to exceed $75 or $100, whichever applies. The cost of flowers (other than door badge), flower car, obituary notices and state tax will not be allowed.

(2) *Duplicate items.* Payment may not be made for duplicate items of service such as casket, clothing, etc., previously furnished by any Federal agency.

(B) *Original pick-up.* There shall be allowed a reasonable charge for the original pick-up of the remains in addition to the statutory allowance of $100 in every instance, where death occurs in a Veterans Administration facility or while traveling under prior authorization (§ 5.2696 (A)) on or subsequent to July 31, 1939, and claim for this item has not been adjudicated. The reasonableness of transportation charges against the Veterans Administration accomplished by means other than by common carrier will be determined by employees authorized to make findings of fact and law in burial claims, and shall be based on comparison with charges made by other undertakers in the same locality for the same service. In no event will a charge be approved where it is found to be in excess of the charge made the general public for the same item of service.

(C) *Items allowable as part of transportation where shipment is by common carrier.* In adjudicating claims where death of a person occurs in a Veterans Administration facility or while traveling under prior authorization of the Veterans Administration, either to or from a Veterans Administration facility or regional office, and the remains are shipped by common carrier, the following items will be considered as part of transportation expense, the cost of which will be allowed in addition to the statutory allowance of $100:

(1) Original pick-up of remains at facility or place where death occurred while traveling under prior authorization (§ 5.2696 (A)). A reasonable amount will be allowed for this "pick-up" but it will not exceed the usual and customary charge made to the general public for the same service.

(2) Procuring permit for shipment.

(3) Outside case for shipment.

(4) Sealing outside case (tin).

(5) Sealing outside case (galvanized iron).

(6) Hearse to common carrier.

(7) One removal:

(a) Direct from common carrier to the undertaking establishment, or

(b) Direct from common carrier to the home of decedent, or

(c) Direct from common carrier to the place of burial.

(D) *Items allowable as part of transportation where remains are transported overland by hearse.* In adjudicating claims where death of a person occurs in a Veterans Administration facility or while traveling under prior authorization of the Veterans Administration, either to or from a Veterans Administration facility or regional office, and the remains are transported overland by hearse, the following items will be considered as a part of transportation expense, the cost of which will be allowed in addition to the statutory allowance of $100:

(1) (a) Original pick-up of remains from the facility or place where death occurred while traveling under prior authorization (§ 5.2696 (A)) prior to transfer to any one of the three places permitted under § 5.2696 (B), and

(b) Reasonable cost of subsequent removal from the place to which transported on original pick-up under (a) above direct to any one of the three places permitted under § 5.2696 (B), or where the above services are not performed.

(2) Reasonable cost of removal direct from the facility or place where death occurred while traveling under prior authorization (§ 5.2696 (A)) to any one of the three places permitted under § 5.2696 (B). The reasonable cost shall be determined by comparison with charges made by other undertakers in the same locality for the same service and in no event will exceed the charge made the general public. (March 20, 1940.) (48 Stat. 11; 38 U.S.C. 717, 718.)

Paragraphs (B), (C), and (D) are relettered as (E), (F) and (G) and read as follows:

(E) *Payments on burial by State, lodge, society, etc.* Nothing in §§ 5.2692 to 5.2706, shall be construed to cause the disallowance of a claim by the Veterans Administration because of any payment made on burial and funeral (including transportation) by a State, county, or other political subdivision, lodge, union, fraternal organization, society, or beneficial organization, insurance company, workmen's compensation commission, state industrial accident board, or employer, unless the amount of expenses incurred is absorbed by the amount actually paid for burial and funeral (including transportation) purposes by such agencies or organizations named: provided that no claim shall be reduced more than the difference between the entire amount of expenses incurred, and the amount paid by any or all of the foregoing agencies or organizations, provided further, that in no instance shall the amount allowed exceed $100 or $75 whichever applies.

(F) *Cost of services furnished by a veterans administration facility to be deducted.* In the adjudication of claims filed under § 5.2696, the cost of services (burial and funeral) furnished by a Veterans Administration facility will be deducted from the burial allowance.

(G) *Reimbursement for cost of flags.* Subsequent to April 14, 1933, no reimbursement may be allowed for burial flags privately purchased by relatives, friends, or other parties. (§ 35.09.) (December 15, 1938.) (48 Stat. 11; 38 U.S.C. 717, 718.)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 40-1167; Filed, March 20, 1940; 3:12 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 594-FD]

IN THE MATTER OF THE APPLICATION OF GENERAL REFRACTORIES COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The General Refractories Company of Philadelphia, Pennsylvania, Applicant herein, having on November 23, 1937, filed with the National Bituminous Coal

Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant at its mine located at Salina, Pennsylvania, or produced and transported by the Applicant to itself for consumption by it in its refractory plant located at Salina, Pennsylvania; and

The Commission having, on February 8, 1939, entered an order pursuant to such application, in Docket No. 594-FD, ordering that the provisions of section 4-II-(1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by the Applicant at its mine located at Salina, Pennsylvania, and consumed by it in its refractory located at Salina, Pennsylvania, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require, for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist;

Applicant, on February 23, 1940, having filed with the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantities of coal produced by Applicant for the period of one year preceding the date of the application for renewal at its mine located at Salina, Pennsylvania, and consumed by Applicant in its refractory located at Salina, Pennsylvania;

The Director having determined that the conditions supporting the exemption granted by the order of February 8, 1939, continue to exist;

It is ordered, That the application filed by the Applicant for renewal of said order dated February 8, 1939, be and the same is hereby granted;

Provided, however, That the said order dated February 8, 1939, shall automatically terminate and expire:

(1) Unless the Applicant, on or before February 20, 1941, files an application for renewal of said order;

(2) Unless the Applicant, on or before October 20, 1940, files with the Director a verified report for the six-months period ending September 20, 1940, containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

(d) A statement that all the facts set forth in the application dated November 23, 1937, remain true and correct;

(3) Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facility in which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of February 8, 1939, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, March 20, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-1178; Filed, March 21, 1940; 10:58 a. m.]

[Docket No. 493-FD]

IN THE MATTER OF THE APPLICATION OF THE PATTON CLAY MANUFACTURING COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Patton Clay Manufacturing Company of Patton, Pennsylvania, Applicant herein, having on June 28, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant at its mine located in Chest Township, Cambria County, Pennsylvania, or produced and transported by the Applicant to itself for consumption by it in its clay products manufacturing plant located at Patton, Pennsylvania; and

The Commission having, on February 8, 1939, entered an order pursuant to such application, in Docket No. 493-FD, ordering that the provisions of Section 4-II-(1) of the Bituminous Coal Act of 1937, apply to the bituminous coal produced by the Applicant in its mine located in Chest Township, Cambria County, Pennsylvania, and consumed by it in its clay products manufacturing plant, located at Patton, Pennsylvania, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require, for a renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having, on February 23, 1940, filed with the Director of the Bituminous Coal Division, a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal, at its mine located in Cambria County, Pennsylvania, and the portion thereof which was consumed by Applicant in its manufacture of clay products in its plant located at Patton, Pennsylvania;

The Director having determined that the conditions supporting the exemption granted by the order dated February 8, 1939, continue to exist:

It is ordered, That the application filed by the Applicant for a renewal of said order dated February 8, 1939, be and the same is hereby granted;

Provided, however, That the said order dated February 8, 1939, and the exemption granted thereby, and this renewal of said order shall automatically terminate and expire:

(1) Unless the Applicant, on or before February 20, 1941, files an application for renewal of said order;

(2) Unless the Applicant, on or before October 20, 1940, files with the Director a verified report for the six-month period ending September 20, 1940, containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

(d) A statement that all the facts set forth in the application dated June 28, 1938, remain true and correct;

(3) Unless the Applicant shall immediately notify the Director upon:

(a) Any changes in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facility in which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of February 8, 1939, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, March 20, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-1181; Filed, March 21, 1940; 11:35 a. m.]

General Land Office.

Air Navigation Site Withdrawal No. 137

ALASKA

FEBRUARY 29, 1940.

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, 49 U.S.C., sec. 214, that the public lands in Alaska lying within the following-described boundaries be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Alaska Road Commission in the maintenance of air navigation facilities:

Beginning at Corner No. 1, which bears approximately N. 50°32′ E. 1,443 feet from the 5-Mile Post (which is 5 miles from Chitina and N. 55° W. in a general direction 1,167 feet as measured along the road from the center of the 5-Mile Creek Bridge) on the Chitina-Fairbanks Road, latitude 61°42′ N., longitude 144°33′ W.; thence N. 64° E. 500 feet to Corner No. 2; thence S. 26° E. 4,000 feet to Corner No. 3; thence S. 64° W. 500 feet to Corner No. 4; thence N. 26° W. 4,000 feet to the place of beginning, containing 45.91 acres;

Beginning at Corner No. 1 which bears approximately N. 3°20′ E. from a 1¼ inch pipe driven into the center of the McCarthy-Dan Creek road at its junction with the Chittitu road 1,020 feet S. of the 14 mile post at May Creek, latitude 61°20′ N., longitude 142°43′ W.; thence N. 62° E. 500 feet to Corner No. 2; thence S. 28° E. 3,800 feet to Corner No. 3; thence S. 62° W. 500 feet to Corner No. 4; thence N. 28° W. 3,800 feet to the place of beginning, containing 43.62 acres.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

[F. R. Doc. 40-1172; Filed, March 21, 1940; 9:15 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 1211]

In the Matter of St. Paul Union Stockyards Company, Respondent

ORDER AND NOTICE OF HEARING

By order dated April 22, 1939, issued pursuant to the provisions of the Packers and Stockyards Act, 1921 (7 U.S.C., §§ 191-231), the Acting Secretary of Agriculture directed that a hearing be held for the purpose of determining the lawfulness of any and all rates and charges of the respondent, the St. Paul Union Stockyards Company, St. Paul, Minnesota, and of any rule, regulation, or practice affecting said rates and charges, or whereby any stockyard service is rendered by the respondent without making a lawful charge therefor. The date of this hearing, which was originally set for May 15, 1939, was postponed until the further order of the Secretary. It appears that an opportunity for a hearing should be afforded to the respondent and all other interested parties, including the patrons of the respondent, for the purpose of enabling them to present such evidence as may be relevant and material to the issues in this case.

It is, therefore, ordered, That any interested person desiring to intervene as a party to the proceeding, or to be heard, should notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., on or before April 1, 1940, that he desires to intervene in the proceeding.

It is further ordered, That the matter be set down for public hearing before an examiner on April 8, 1940, at 10:00 a. m., in Room 2860, South Building, United States Department of Agriculture, Washington, D. C.

It is further ordered, That this order and notice shall be published in the FEDERAL REGISTER.

It is further ordered, That a copy of this order and notice shall be served upon the respondent by registered mail.

Done at Washington, D. C., this 20th day of March 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 40-1169; Filed, March 21, 1940; 9:14 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

Notice of Review of Determination and Order Re Employment of Learners in the Knitted Fabric Division of the Glove Branch of the Apparel Industry at Wage Rates Less Than the Applicable Minimum

Whereas the Work Glove Institute, National Association of Leather Glove Mfgs., Inc., Underwear Institute, and sundry other parties, made application under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder, for permission to employ learners in the glove branch of the apparel industry at wages less than the applicable minimum wage specified in Section 6 of the Act; and

Whereas a public hearing on said applications was held before Merle D. Vincent, the representative of the Administrator of the Wage and Hour Division duly authorized to conduct the hearing and to determine both under the minimum wage rates applicable October 24, 1939, and under such higher minimum wage rates as have been recommended by Industry Committee No. 2 for the apparel industry:

(a) What, if any, occupation or occupations in the glove branch of the apparel industry require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the glove branch of the apparel industry, and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the glove branch of the apparel industry for whatever occupation or occupations, if any, are found to require a learning period.

As used in the notice of hearing the term "glove branch of the apparel industry" was defined as: "The manufacture of all gloves and mittens (except athletic) other than work gloves and mittens, from leather, woven or knitted fabrics, or from any combinations of these materials, and the manufacture of work gloves and mittens from fabric, leather, or fabric and leather combined, or knitted materials," and

Whereas following said hearing the said Merle D. Vincent duly made his findings and determination and filed same with the Administrator on February 8, 1940. Said findings and determination which are now on file in Room 5144, U. S. Department of Labor Building, Washington, D. C., and are there available for examination by all interested parties, contain the following determination and order:

"Upon the whole record of evidence, I determine and order:

"1. Effective on or after February 20, 1940, Special Certificates permitting the employment of learners, at subminimum rates may be issued under the conditions set forth below to all plants in the Glove Branch of the Apparel Industry making application therefor representing that experienced workers are not available to the plant, unless experienced workers are found to be available.

"(a) Learners employed under the certificate shall not exceed 5 percent of the total number of workers in the plant engaged in hand and machine stitching operations on leather dress gloves; and in machine stitching operations on knit fabric and work gloves; and in finger knitting and finger closing operations on knit wool gloves, provided that as many as 5 learners may be authorized in any certificate.

"(b) No person shall be employed as a learner under the certificate longer than 480 hours.

"(c) Learners employed under the certificate shall be paid not less than 25 cents per hour. In plants where experienced operators are paid on a piecework rate, learners shall be paid at least the same piece work rate and shall receive earnings paid on this rate if they earn in excess of 25 cents per hour.

"(d) Only learners shall be employed at a subminimum wage under the certificate and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

"(e) No learners shall be employed at a subminimum wage under the certificate until and unless the certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

"2. Any special certificate issued pursuant to this order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available or if the applicant knowingly made false or misleading statements in his application, and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this order shall be valid after October 24, 1940, unless extended by order or otherwise.

"3. In this order, the term 'learner' means:

"(a) In the leather dress branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in hand or machine stitching operations on leather dress gloves.

"(b) In the knit fabric branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in machine stitching operations on leather dress or knit fabric gloves.

"(c) In the work glove branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in machine stitching operations in any type of glove manufacture.

"(d) In the knit wool branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate on finger knitting and finger closing operations;

and the term 'Glove Branch of the Apparel Industry' includes leather dress gloves, knit fabric gloves, work gloves, and knit wool gloves.

"I further order that the record be kept open to receive additional testimony on the possible need for and terms of the employment of learners at subminimum rates in the cutting occupation in the leather dress branch of the Glove Branch of the Apparel Industry."

and

Whereas, the Administrator caused to be published in the FEDERAL REGISTER of February 20, 1940 (5 F.R. 714), a notice which set forth the aforesaid findings and determination and stated that pursuant to § 522.13 of the Regulations of the Wage and Hour Division as amended, petitions for review of the action of the said representative might be filed by interested parties within fifteen days after February 20, 1940, and

Whereas, a petition for review of those parts of the aforementioned findings and determination which relate to the knitted fabric division of the glove branch of the apparel industry was duly filed by the Underwear Institute and no petition for review of those parts of the said findings and determination which relate to any other division of the glove branch of the apparel industry was filed within the aforementioned fifteen-day period,

Now, therefore, the petition for review of those parts of the aforesaid findings and determination which relate to the knitted fabric division of the glove branch of the apparel industry is hereby granted and notice is hereby given that the Administrator, for the purpose of reviewing those parts of the aforesaid findings and determination which relate to the knitted fabric division of the glove branch of the apparel industry, will receive briefs from interested parties either in support of or in opposition to those parts of the aforementioned findings and determination which relate to the knitted fabric division of the glove branch of the apparel industry, provided that such briefs are filed with the Administrator, Wage and Hour Division, prior to the close of business April 13, 1940. All briefs should be filed in triplicate and will be available for inspection by interested parties in Room 5144, U. S. Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 19th day of March, 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers.
Administrator.

[F. R. Doc. 40-1173; Filed, March 21, 1940; 10:10 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 22, 1940, until October 24, 1940, unless otherwise indicated, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks' experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM; PRODUCT

Biberman Bros., Inc., 615 North 15th Street, Philadelphia, Pa.; house dresses.

Golden Crown Shirt Company, 230 North 7th Street, Bangor, Pa.; shirts.

McLoughlin Mfg. Company, Peru, Ind.; athletic underwear and ladies' shirtwaists.

On-Duty Clothes Factory, Biltmore, N. C.; 4 learners; uniforms, smocks, and aprons.

Shamokin Dress Company, Shamokin, Pa.; dresses.

Tennessee Overall Company, Tullahoma, Tenn. (Expires June 14, 1940); 5 learners; overalls, pants, and shirts.

Watertown Undergarment Corp., 196 Mill Street, Waterbury, Conn.; silk and knitted rayon underwear (ladies').

Randles Mfg. Company, Caroline Street, Ogdensburg, N. Y.; 3 learners; uniforms (nurses, school, and hospital).

Signed at Washington, D. C., this 21st day of March 1940.

Gustav Peck,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1183; Filed, March 21, 1940; 12 m.]

Notice of Issuance of Special Certificates for the Employment of Learners in the Glove Division of the Apparel Industry

Notice is hereby given that Special Certificates for the employment of learners in the Glove Division of the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations, Part 522, as amended, to the employers listed below effective March 22, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Glove Division of the Apparel Industry under these Certificates is limited to the following occupations, learning period, and minimum wage rate:

(1) A learner in the work glove division and the knit fabric glove division is a person who has had less than 480 hours experience in the aggregate in machine stitching in any type of glove manufacturing and in leather dress or knit fabric glove manufacturing, respectively.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for 480 hours for any one learner. During this period, learners shall be paid at least 25 cents per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 25 cents per hour but in no case less than 25 cents per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM; PRODUCT

Clark Brothers, Glens Falls, N. Y.; knitted fabric gloves.

Signed at Washington, D. C., this 21st day of March 1940.

Gustav Peck,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1184; Filed, March 21, 1940; 12 m.]

Notice of Issuance of Special Certificates for the Employment of Learners in the Glove Division of the Apparel Industry

Notice is hereby given that Special Certificates for the employment of learners in the Glove Division of the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (b) of Regulations Part 522, as amended, to the employers listed below effective March 22, 1940 until July 26, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Glove Division of the Apparel Industry under these Certificates is limited to the following occupations, learning period, and minimum wage rate:

(1) A learner in the work glove division and the knit fabric glove division is a person who has had less than 480 hours experience in the aggregate in machine stitching in any type of glove manufacturing and in leather dress or knit fabric glove manufacturing, respectively.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for 480 hours for any one learner. During this period, learners shall be paid at least 25 cents per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 25 cents per hour but in no case less than 25 cents per hour.

(3) These Special Certificates are issued on representations by the employers that: (a) experienced stitching machine operators are not available for employment, and (b) that they are actually in need of learners at subminimum wage rates in order to prevent curtailment of opportunities for employment.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NAME AND ADDRESS OF FIRM, NUMBER OF LEARNERS, AND PRODUCT

Clarke Brothers, Glens Falls, N. Y., 15 learners, knitted fabric gloves.

Montpelier Glove Co., Inc., 129 North Main Street, Montpelier, Ind., 12 learners, work gloves and mittens.

Signed at Washington, D. C., this 21st day of March 1940.

Gustav Peck,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1185; Filed, March 21, 1940; 12 m.]

Notice of Issuance of Special Certificates for the Employment of Learners in the Hosiery Industry

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective March 22, 1940, until November 22, 1940; subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, § 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said § 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Albert M. Green Hosiery Mills, Inc., Milroy, Pa., 1 learner.

Signed at Washington, D. C., this 21st day of March 1940.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1186; Filed, March 21, 1940; 12 m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 22, 1940, until October 24, 1940, unless otherwise indicated, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Kingston Knitting Mills, Inc., Kingston, N. Y. (Expires July 23, 1940), 5 learners, sweaters.

Redstone Knitting Mills, East Millsboro, Pa., 5 learners, sweaters.

Signed at Washington, D. C., this 21st day of March 1940.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1187; Filed, March 21, 1940; 12:01 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective March 22, 1940, until July 19, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that: (a) experienced operators are not available, and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learners shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and § 522.5 (b) of Regulations Part 522, as amended, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. The Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen days following the publication of notice of their issuance, that the issuance of these Certificates was not necessary to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. Altering or attempting to alter this Certificate will render it invalid.

NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

Excelsior Varsity Underwear Corp., Baltimore, Md., underwear and pajamas, 35 learners.

Redstone Knitting Mills, East Millsboro, Pa., sweaters, 14 learners.

Signed at Washington, D. C., this 21st day of March 1940.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1188; Filed, March 21, 1940; 12:01 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective March 22, 1940, until June 21, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and § 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

W. Warren Thread Works, Westfield, Mass., cotton, 9 learners.

Signed at Washington, D. C., this 21st day of March 1940.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1189; Filed, March 21, 1940; 12:01 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 22, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Covington Weaving Company, Covington, Ga., rayon.

Signed at Washington, D. C., this 21st day of March 1940.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1190; Filed, March 21, 1940; 12:02 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and § 552.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 22, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour: *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retaining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Kingston Chenille Company, Kingston, Ga., 5 learners, cotton bedspreads.

Signed at Washington, D. C., this 21st day of March 1940.

Gustav Peck,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1191; Filed, March 21, 1940; 12:02 p. m.]

Notice of Issuance of Special Certificates for the Employment of Learners in the Tufted Bedspread Branch of the Textile Industry

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective March 22, 1940, until September 22, 1940, unless otherwise indicated subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator or less than eight (8) weeks experience as a chenille operator plus eight (8) weeks retraining as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learner may be paid at a rate less than 25¢ an hour: *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Special Certificates are issued on representations by the employers that: (a) experienced operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and § 522.5 (b) of Regulations Part 522, as amended, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance, if it is found upon objection duly filed within fifteen (15) days following the publication of notice of their issuance that the issuance of these Certificates are not necessary to prevent curtailment of opportunities for employment. They may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the Employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

Kingston Chenille Co., Kingston, Ga., cotton bedspreads, 15 learners.

Signed at Washington, D. C., this 21st day of March 1940.

Gustav Peck,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1192; Filed, March 21, 1940; 12:02 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 4895]

In Re Application of Thumb Broadcasting Co. (New)

Dated August 20, 1937, for construction permit; class of service, broadcast; class of station, broadcast; location, Brown City, Michigan; operating assignment specified: Frequency, 880 kc.; power, 250 w.; hours of operation, daytime

[File No. B2-P-1886]

AMENDED NOTICE

Upon further examination of the above described application the Commission has amended the issues on which the further hearing will be based, as follows:

1. To determine whether the Commission's Standards of Good Engineering Practice would be met by a grant of the application of Thumb Broadcasting Company in part so as to permit the use of the frequency 880 kc. with 250 watts power.

2. To determine whether there is sufficient financial support available to reasonably assure the continued operation of the proposed station operating with 250 watts, daytime, on the frequency 880 kc.

3. To determine the area and population which would be expected to receive interference-free primary service during daytime, operating as proposed with 250 watts power, daytime, on 880 kc.

4. To determine whether public interest, convenience or necessity will be

served through a grant of this application and the application of Flint Broadcasting Company, B2-P-2451, or either of them.

5. To determine the extent of any interference which would result should the applicant's proposed station operate simultaneously with that of Station WFDF, Flint, Michigan, operating as proposed in its pending application (B2-P-2451).

6. To determine whether the granting of the application will tend toward a fair, efficient and equitable distribution of radio facilities.

7. To determine the nature, extent and effect of any interference which would result should the applicant's proposed station operate simultaneously with that of Station WKAR, East Lansing, Michigan, as proposed in its application (B2-P-2764).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Thumb Broadcasting Company,
Box 84,
Brown City, Michigan.

Dated at Washington, D. C., March 19, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-1174; Filed, March 21, 1940; 10:52 a. m.]

[Docket No. 5851]

IN RE APPLICATION OF WORLD PEACE FOUNDATION, ABRAHAM BINNEWEG, JR. (NEW)

Dated June 2, 1939, for construction permit; class of service, developmental broadcast; class of station, broadcast; location, Oakland, California; operating assignment specified: frequency, 1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc., power, 250 w.; emission A, A-1, A-2, A-3; hours of operation unlimited

[File No. B5-PEX-27]

NOTICE

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the applicant's legal, financial, technical and other qualifications to construct the station and to carry forward the proposed program of experimentation.

2. To determine the character and nature of the program of research and development which the applicant proposes to conduct.

3. To determine whether the proposed program of research, or such program as applicant may reasonably be expected to employ, should not more properly be conducted through the use of a station of a class other than the one for which a permit is requested.

4. To determine whether the proposed program of research and experimentation would contribute substantially to the development of the radiobroadcasting art.

5. To determine whether the frequency 8655 kilocycles would be available for assignment to the class of station proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

World Peace Foundation,
Abraham Binneweg, Jr.,
524 Fairbanks Avenue,
Oakland, California.

Dated at Washington, D. C., March 19, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-1175; Filed, March 21, 1940; 10:52 a. m.]

[Docket No. 5852]

IN RE APPLICATION OF WJHL, INCORPORATED (WJHL)

Dated November 25, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Kingsport Highway, 3 miles from Johnson City, Tenn.; operating assignment specified: Frequency, 880 kc.; power, 1 kw., directional antenna; hours of operation, unlimited (for night)

[File No. B3-P-2656]

NOTICE

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the financial qualifications of the applicant to construct and operate the station as proposed.

2. To determine whether the application may be granted in view of the Commission's rules governing standard broadcast stations, particularly § 3.22 (c), Part (3), and the Standards of Good Engineering Practice.

3. To determine the extent of any interference which would result should the applicant's proposed station operate simultaneously with Station WCOC, Meridian, Mississippi, and Canadian Station CBO, Hawthorne, Ontario.

4. To determine the present area and population which receive interference-free primary service both daytime and nighttime.

5. To determine the area and population which would be expected to receive interference-free primary service both daytime and nighttime, operating as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WJHL, Incorporated,
Radio Station WJHL,
412 South Roan Street,
Johnson City, Tennessee.

Dated at Washington, D. C., March 19, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-1176; Filed, March 21, 1940; 10:52 a. m.]

[Docket No. 5853]

IN RE APPLICATION OF FLINT BROADCASTING CO. (WFDF)

Dated July 19, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, R. F. D., Flint, Michigan; operating assignment specified: Frequency, 880 kc.; power, 1 kw.; directional antenna; hours of operation, unlimited (for night)

[File No. B2-P-2451]

NOTICE

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the financial qualifications of the applicant to construct and operate the station as proposed.

2. To determine whether the application may be granted in view of the Commission's rules governing standard broadcast stations, particularly § 3.22 (c), Part (3), and the Standards of Good Engineering Practice.

3. To determine the nature, extent and effect of any interference which would result should the applicant's proposed station operate simultaneously with Stations WSUI, Iowa City, Iowa, WKAR, East Lansing, Michigan and Canadian Station CBO, Hawthorne, Ontario.

4. To determine the present area and population which receive interference-free primary service both daytime and nighttime.

5. To determine the area and population which would be expected to receive interference-free primary service both daytime and nighttime, operating as proposed.

6. To determine whether public interest, convenience or necessity will be served through a grant of this application and the application of Thumb Broadcasting Company (B2-P-1886, Docket 4895), or either of them.

7. To determine whether the granting of the application will tend toward a fair, efficient and equitable distribution of radio facilities.

8. To determine the nature, extent and effect of any interference which would result should the applicant's proposed station operate simultaneously with that of Station WKAR, East Lansing, Michigan, operating as proposed in its pending application (B2-P-2764).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Flint Broadcasting Co.,
Radio Station WFDF,
Union Industrial Building
503 S. Saginaw St.,
Flint, Michigan.

Dated at Washington, D. C., March 19, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-1177; Filed, March 21, 1940; 10:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5589]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

ORDER POSTPONING DATE OF HEARING

MARCH 19, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

On its own motion, the Commission orders that:

(A) The hearing[1] heretofore set by the Commission's order of December 7, 1939, as amended by its order of February 20, 1940, to commence at 10 o'clock a. m., March 26, 1940, be and the same is hereby postponed to April 29, 1940, at the same time and place designated in the order of February 20, 1940;

(B) The said order of December 7, 1939, in all other respects shall remain and continue in full force and effect.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-1170; Filed, March 21, 1940; 9:15 a. m.]

[Docket No. IT-5590]

IN THE MATTER OF ARKANSAS UTILITIES COMPANY

ORDER POSTPONING DATE OF HEARING

MARCH 19, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

On its own motion, the Commission orders that:

(A) The hearing[1] heretofore set by the Commission's order of December 7, 1939, as amended by its order of February 20, 1940, to commence at 10 o'clock a. m., March 26, 1940, be and the same is hereby postponed to April 29, 1940, at the same time and place designated in the order of February 20, 1940;

(B) The said order of December 7, 1939, in all other respects shall remain and continue in full force and effect.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-1171; Filed, March 21, 1940; 9:15 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of March, A. D. 1940.

[File No. 32-195]

IN THE MATTER OF CENTRAL ILLINOIS LIGHT COMPANY

ORDER APPROVING APPLICATION FOR EXEMPTION

Central Illinois Light Company, having filed an application pursuant to Section 6 (b) for an exemption from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935 of the issue and private sale of $9,376,300, principal amount, First and Consolidated Mortgage Bonds, 3¼% Series, due 1963;

A public hearing[1] having been held after appropriate notice; the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the application for exemption be and the same hereby is approved, subject, however, to the following conditions:

(1) That the transaction described in the application shall be carried out in compliance with the terms and conditions of the application and order;

(2) That such exemption shall immediately terminate without further order of this Commission if at any time the authorization of the Illinois Commerce Commission shall be revoked or otherwise terminated;

(3) That within ten days after the completion of the transaction the applicant shall file with this Commission a certificate of notification stating that the issue and sale of the bonds have been effected in acordance with the terms and conditions of the application and order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1179; Filed, March 21, 1940; 11:07 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of March 1940.

[File No. 1-2254]

IN THE MATTER OF MEXICAN GOLD AND SILVER MINING COMPANY, $1 PAR ASSESSABLE COMMON STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The San Francisco Mining Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the

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[1] 5 F.R. 766.

[1] 5 F.R. 720.

$1 Par Assessable Common Stock of Mexican Gold and Silver Mining Company; and

After appropriate notice, a hearing[1] having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on April 9, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1180; Filed, March 21, 1940; 11:07 a. m.]

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[1] 5 F.R. 237.